IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE SRI JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 12834 of 2004

Between:
P. Dasaratha Rama Reddy, S/o. Krishna Reddy,
Licensee of M/s. Sri Venkateswara Wines, Rayachoti, Cuddapah,
Resident of Rayachoti,
Cuddapah District.

..... PETITIONER

AND

1. The Commissioner of Prohibition & Excise, Chittoor,
   Chittoor District.
2 The Superintendent of Prohibition & Excise,
   Chittoor, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to call for the records and issue a writ or order or direction the inaction of the Respondent in readjusting/repaying the amount of Rs.2,75,000/- paid by the petitioner on 20-6-2002 vide treasury challan No. 37302 towards the license fee for the year 2002-2003 is illegal, arbitrary and violative of Article 14 and 19(1)(g) of Constitution of India and consequently direct the Respondents to refund the amount of Rs, 2,75,000/- paid by the petitioner on 20-6-2002 vide treasury challan No. 37302 towards the license fee for the excise year 2002-2003 to the coming Excise Year.

Counsel for the Petitioner: Mr.Venkata Rangadas Kanuri

Counsel for the Respondent Nos.1 & 2: GP For Prohibition & Excise

The Court made the following :

ORDER:

Heard both sides.

At the request of learned counsel on either side, the main writ petition itself is taken up for disposal.

The petitioner, who is holding a license for IL 24, filed this writ petition, *inter alia,* seeking for a direction to declare the inaction of the respondents in readjusting/repaying certain amount paid by the petitioner on 20.6.2002 on the ground that in view of the decision taken in parallel proceedings earlier, he is entitled to such adjustments.

Having considered the submissions made by both the learned counsel and also on perusal of the material available on record, it is not necessary to go into the merits of the case especially in view of the relief sought by the petitioner, which can as well be considered and disposed of, if proper application is made by the petitioner.

Accordingly, the writ petition is disposed of permitting the petitioner to file an application before the respondents within a period of one week from today, and on filing such application, the respondents shall consider and dispose of the same within a period of four weeks thereafter.

22-09-2004

rkk/sj

To

1. The Commissioner of Prohibition & Excise, Chittoor,
   Chittoor District.
2 The Superintendent of Prohibition & Excise,
   Chittoor, Chittoor District.
3. Two CCs to G.P for Phohibition & Excise, High Court buildings,
   Hyderabad (OUT)
4. Two CD copies.